

REMARKS

The aforementioned Office Action rejected claims 1-8 as unpatentable under 35 USC 103(a) over the disclosed prior art in the instant specification in view of Yamaguchi et al., U.S. Patent No. 6,636,186. This rejection is traversed. More specifically, this rejection is traversed on the grounds that the disclosed prior art in the specification and Yamaguchi would not teach a person of ordinary skill in the art how to make an electrophoretic medium in accordance with any of the present claims.

Applicants hereby repeat and reaffirm their arguments, presented in the Response to Office Action filed August 27, 2008, that Yamaguchi does not teach a person of ordinary skill in the art how to prepare gas-based electrophoretic media because the processes described in Yamaguchi rely upon the ability of the liquid suspending medium to keep the particles in suspension for a period sufficient for the formation of the capsule wall or the curing of the liquid form of the polymeric material, without the particles being trapped in the capsule wall or the continuous phase, and it is not possible to suspend particles in a gaseous suspending fluid in this manner. Hence, the prior art processes do not teach how to produce encapsulated or polymer-dispersed gas-based displays and the present claims are not obvious over the admitted prior art in view of Yamaguchi.

It is respectfully noted that the latest Office Action repeats the rejection discussed above without responding to applicants' arguments.

Claims 1-8 are also rejected under 35 USC 103(a) over the disclosed prior art in the instant specification in view of Danner et al., U.S. Patent Publication No. 2006/0202949. This rejection is traversed on the grounds that Danner is not available as a reference against the present application. Danner was published on September 14, 2006 based upon an application filed March 16, 2006, and there has been no showing that the material in Paragraph 5 of Danner, upon which this rejection relies, is entitled to any date earlier than March 16, 2006. The present application was filed September 3, 2003. Accordingly, Danner is not available as a reference against the present application.

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For the foregoing reasons, the 35 USC 103(a) rejections of the present claims are unjustified.

Reconsideration and allowance of all claims remaining in this application is respectfully requested.

Since the period prescribed for responding to the Office Action expired April 7, a Petition for a three month extension of this period is filed herewith.

Respectfully submitted

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